

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David Ernest Hartley, Frank Karhu Christiansen

Atty. Docket. No.: PA-5340-RFB

Customer No.:

Serial No.: 10/645,089

Group Art Unit: 3736

Filed: 08/21/2003

Examiner: Rogers, Kristin D

Title: Guide Wire

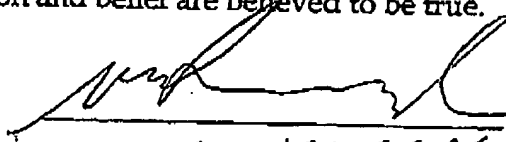
AFFIDAVIT

I, Michael Lawrence-Brown, of 77 Branksome Gardens, City Beach, 6015, Western Australia, Australia, do solemnly and sincerely declare:

1. I am a vascular surgeon. I have been practising as a Consultant Surgeon in vascular surgery since 1984 (22 years) and I am extremely familiar with guide wires that are used in interventional surgical procedures.
2. I have read the specification and claims of United States Patent Application Serial Number 10/645,089 and the prosecution history of this case including the First Office Action, the Final Office Action, the Advisory Office Action and the Response to the First Office Action and the Response to the Final Office Action.
3. I am familiar with the subject matter of the invention disclosed in United States Patent Application Serial Number 10/645,089 and I state that the terminology used in this patent specification is consistent with that used in vascular surgery by a vascular surgeon.
4. I have been asked to comment upon the assertion by the examiner in the Advisory Office Action that guide wires in endovascular surgery should be described by stiffness defined by force per unit length.

5. Guide wires for use in interventional surgical procedures and in particular endovascular surgery are differentiated by their stiffness and more particularly, their stiffness at different positions along their lengths.
6. In general, a main body section of a guide wire for endovascular work needs to be stiffer to straighten out tortuous vasculature to enable introduction of a delivery device over the guide wire.
7. A tip of a guide wire on the other hand needs to be highly flexible to prevent damage to the walls of the vasculature during introduction and manipulation of the wire into the desired position within a target artery.
8. Vascular surgeons would, in general, describe guide wires or parts of guide wires by the terms ultra-stiff, super-stiff, extra-stiff, highly stiff, stiff, semi-stiff, flexible, highly flexible and soft. Hence flexibility is understood in relative terms.
9. The degree of stiffness would not be understood by vascular surgeons in mathematic or absolute terms such as by force per unit length.

AND I MAKE this Affidavit conscientiously believing same to be true and correct in every particular. All statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

  
MICHAEL LAWRENCE BROWN  
2nd November 2006

Before me:  
Position: JANOS PFANNENWALD  
Date:   
COMMISSIONER FOR DECLARATIONS

2/11/06